

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HENRY T. LEWIS,

Defendant.

8:22CR125

**PRELIMINARY ORDER OF
FORFEITURE AND FORFEITURE
MONEY JUDGMENT**

This matter is before the Court on the Plaintiff's Motion for Preliminary Order of Forfeiture as to the Vehicle and Forfeiture Money Judgment. Filing 517. The Court reviewed the record in this case and, being duly advised in the premises, finds as follows:

1. On August 29, 2024, the Court held a change of plea hearing for Defendant and Defendant entered a plea of guilty to Count VIII of the Indictment and admitted to the following forfeiture allegations. Filing 510; Filing 516.
 - a. 2013 Chevrolet Silverado 1500 Crew Cab, YIN: 3GCPKTE78DG188719, titled in the name of HENRY T. LEWIS; and
 - b. A money judgment in an amount equal to the proceeds obtained as a result of the offenses.
2. Count VIII of the Indictment charged the Defendant with a violation of 18 U.S.C. §§ 1343 and 2.
3. The Forfeiture Allegation of the Indictment sought forfeiture of "property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of such violation." The Allegation also put the defendant on notice the United States

would seek a forfeiture money judgment representing those proceeds.

4. By virtue of said plea of guilty, Defendant has forfeited his interest in the vehicle. Accordingly, the United States should be entitled to possession of said vehicle, pursuant to 18 U.S.C. § 982, 28 U.S.C. § 2461(c), and 21 U.S.C. § 853.

5. The Government's Motion for a Forfeiture Money Judgment in the amount of \$195,497.00, which represents the proceeds the Defendant obtained as a result of the offenses should be granted.

6. The Government's Motion for Preliminary Order of Forfeiture as to the Vehicle should be granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture and Forfeiture Money Judgment, Filing 517, is granted.
2. Based upon the Forfeiture Allegation of the Superseding Indictment and the plea of guilty, the Government is hereby authorized to seize the vehicle.
3. Defendant's interest in the subject vehicle is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1), 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(A), 28 U.S.C. § 2461(c), and Rule 32.2(a), Federal Rules of Criminal Procedure.
4. The subject vehicle is to be held by the Government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the vehicle in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject

property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the Property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the Property and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the vehicle as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture as to the vehicle pursuant to 21 U.S.C. § 853(n), 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 982(a)(2)(A), 28 U.S.C. § 2461(c), and Rule 32.2(a), Federal Rules of Criminal Procedure, in which all interests will be addressed.
9. The Defendant, pursuant to 18 U.S.C. § 982, 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(2), shall be, and hereby is, liable for a forfeiture money judgment in the amount of \$195,497.00.
10. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture and Forfeiture Money Judgment pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 26th day of September, 2024.

BY THE COURT:



Brian C. Buescher
United States District Judge